

Article - Public Safety

[\[Previous\]](#)[\[Next\]](#)

§13A-1020.

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicant for military service” means a person who, under regulations prescribed by the secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

(3) “Military recruiter” means a person who, under regulations prescribed by the secretary concerned, has the primary duty to recruit persons for military service.

(4) “Prohibited sexual activity” means, as specified in regulations prescribed by the secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.

(5) “Specially protected junior member of the armed forces” means:

(i) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

(ii) a member of the armed forces who is a cadet, an officer candidate, or a student in any other officer qualification program; or

(iii) a member of the armed forces in any program that, by regulation prescribed by the secretary concerned, is identified as a training program for initial career qualification.

(6) “Training leadership position” means, with respect to a specially protected junior member of the armed forces:

(i) a drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers’ training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the secretary concerned, is identified as a training program for initial career qualification; or

(ii) faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(b) A person subject to this title shall be punished as a court-martial may direct if the person:

(1) is an officer or a noncommissioned officer;

(2) is in a training leadership position with respect to a specially protected junior member of the armed forces; and

(3) engages in prohibited sexual activity with such specially protected junior member of the armed forces.

(c) Any person subject to this title shall be punished as a court-martial may direct if the person:

(1) is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

(2) is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program.

(d) Consent is not a defense for any conduct at issue in a prosecution under this section.

[\[Previous\]](#)[\[Next\]](#)